

**FILED
UNDER
SEAL**

United States District Court
for
the District of Nevada

PETITION FOR SUMMONS
FOR OFFENDER UNDER SUPERVISION

Name of Offender: David Resendez

Case Number: 2:20CR00116

Name of Sentencing Judicial Officer: Honorable Richard F. Boulware

Date of Original Sentence: August 12, 2021

Original Offense: Felon in Possession of a Firearm

Original Sentence: 7 Months prison, followed by 36 Months TSR.

Date Supervision Commenced: August 25, 2021

Name of Assigned Judicial Officer: Honorable Richard F. Boulware

PETITIONING THE COURT

To issue a summons:

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
 - A. On August 30, 2021, Resendez submitted a positive drug test for marijuana, methamphetamine, and Hydrocodone.
 - B. On September 17, 2021, Resendez submitted a positive drug test for marijuana.
 - C. On April 18, 2022, Resendez submitted a positive drug test for marijuana and methamphetamine.

RE: David Resendez

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D. Resendez failed to appear for drug testing on the following dates:

November 16, 2021
November 23, 2021
December 20, 2021
January 5, 2022
January 12, 2022
January 13, 2022
February 9, 2022
February 23, 2022
March 4, 2022
March 12, 2022
March 21, 2022
March 30, 2022
April 4, 2022
April 13, 2022

2. **Substance Abuse Treatment** – You must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

Resendez failed to attend substance abuse treatment on the following dates:

March 15, 2022
March 22, 2022
March 29, 2022

3. **Report Police Contact Within 72 Hours** - If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

On or about March 26, 2022, Resendez was contacted by Las Vegas Metropolitan Police Department Officers during a traffic stop. Resendez was in the front passenger seat of the vehicle. There were two other males in the vehicle as well. All occupants of the vehicle were removed and detained. A firearm was discovered under the front driver seat that was later identified as a silver Phoenix Arms HP22A .22 caliber handgun. Officers made the determination to obtain warrants for DNA and serve Marcum Notices to all the occupants. Resendez was released and failed to report this law enforcement contact to the probation officer as required.

RE: David Resendez

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- 4. Must Not Possess Firearms - You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).**

As noted in allegation #3, on or about March 26, 2022, Resendez was contacted by Las Vegas Metropolitan Police Department Officers during a traffic stop. Resendez was in the front passenger seat of the vehicle. There were two other males in the vehicle as well. All occupants of the vehicle were removed and detained. A firearm was discovered under the front driver seat that was later identified as a silver Phoenix Arms HP22A .22 caliber handgun. Officers made the determination to obtain warrants for DNA and serve Marcum Notices to all the occupants. None of the occupants took ownership of the firearm. Given Resendez was in a vehicle with a firearm he certainly had access to this firearm, in violation of this condition.

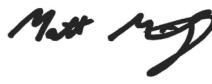
U.S. Probation Officer Recommendation:

The term of supervision should be:

Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on April 22, 2022


 Digitally signed by
 Matthew Martinez
 Date: 2022.04.25
 15:55:14 -07'00'

Matthew S. Martinez
 United States Probation Officer

Approved:


 Digitally signed by Brian
 Blevins
 Date: 2022.04.25 15:44:48
 -07'00'

Brian Blevins
 Supervisory United States Probation Officer

RE: David Resendez

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THE COURT ORDERS

- No Action.
- The issuance of a warrant.
- The issuance of a summons.
- Other:



RICHARD F. BOULWARE, II
United States District Judge

April 26, 2022
Date

RE: David Resendez

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. DAVID RESENDEZ, 2:20CR00116**

SUMMARY IN SUPPORT OF PETITION FOR SUMMONS
April 22, 2022

By way of case history, Resendez was sentenced to seven months custody followed by a three (3) year term of supervised release for committing the offense of Felon in Possession of a Firearm. On August 21, 2021, Resendez commenced his term of supervision.

As referenced above, Resendez has violated numerous conditions of supervision in a relatively short amount of time. As referenced in allegation #1, Resendez has submitted positive drug tests for several different controlled substances and failed to report for drug testing on multiple occasions. Resendez is required to call a dedicated phone number nightly to see if he is required to report for drug testing the following date. Resendez ceased calling this line from March 22, 2022 until April 16, 2022. During that time, Resendez also ceased all contact with the probation office.

As referenced in allegation # 2, Resendez failed to report for substance abuse treatment on three occasions. His clinician noted he completed 9 out of 12 classes but has failed to report to any treatment session after March 8, 2022. Attempts to contact Resendez in person or phone by the probation office were unsuccessful until April 15, 2022.

As referenced in allegations #3 and #4, Resendez failed to report law enforcement contact to the probation office and was found to be in a vehicle where a firearm was discovered. On or about March 26, 2022, Resendez was contacted by Las Vegas Metropolitan Police Department Officers during a traffic stop. Resendez was in the front passenger seat of the vehicle. There were two other males in the vehicle as well. All occupants of the vehicle were removed and detained. A firearm was discovered under the front driver seat that was later identified as a silver Phoenix Arms HP22A .22 caliber handgun. Given there were multiple people who could have had access to the firearm and nobody claiming responsibility for it, Officers made the determination to obtain warrants for DNA buccal swabs and serve Marcum Notices to Resendez and one of the other occupants. Resendez was subsequently released and failed to report this law enforcement contact to the probation officer as required.

It should be noted, Resendez had ceased all communication with the probation office between approximately March 22, 2022 through April 15, 2022. During this time, he failed to call into the drug testing line as required. Given that Resendez had ceased any communication with the

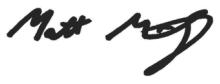
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probation office, contracted vendors, and failed to report law enforcement contact where a firearm was discovered, Court intervention is now required.

As such, it is respectfully requested a Summons be issued to initiate revocation proceedings and bring Resendez before Your Honor to show cause as to why supervision should not be revoked.

Respectfully submitted,

Digitally signed by

Matthew Martinez
Date: 2022.04.25
15:55:47 -07'00'

Matthew S. Martinez
United States Probation Officer

Approved:



Digitally signed by Brian
Blevins
Date: 2022.04.25
15:45:13 -07'00'

Brian Blevins
Supervisory United States Probation Officer